

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION**

PAUL PIRO

CIVIL ACTION NO. 11-2049

VERSUS

JUDGE ROBERT G. JAMES

**NEXSTAR BROADCASTING, INC.,
ET AL.**

MAG. JUDGE KAREN L. HAYES

JUDGMENT

For the reasons set forth in this Court's Ruling, and the Report and Recommendation of the Magistrate Judge having been considered, together with the written objections thereto, and, after a *de novo* review of the record, finding that the Magistrate Judge's Report and Recommendation is correct and that judgment as recommended therein is warranted,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendants Nexstar Broadcasting, Inc. and Guardian Life Ins. Corp. of America's (collectively, "Defendants") motions to dismiss for failure to state a claim upon which relief can be granted [Doc. Nos. 14 & 22] be GRANTED and Plaintiff Paul Piro's ("Piro") claim under the Employee Retirement Income Security Act of 1974, 20 U.S.C. §1001, *et seq.* be DISMISSED WITHOUT PREJUDICE for failure to exhaust administrative remedies.

IT IS FURTHER ORDERED that Defendants' motions for partial summary judgment [Doc. Nos. 21 & 23] be DENIED AS MOOT.

IT IS FURTHER ORDERED that Piro is granted leave to file his amended complaint. [Doc. No. 42].

IT IS FURTHER ORDERED that Piro shall file a status report regarding the progress of his administrative claim by January 8, 2013.

THUS DONE AND SIGNED this 8th day of June, 2012, in Monroe, Louisiana.



ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE